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DATE MAILED: 12/14/2004

| APPLICATION NO.       | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |  |
|-----------------------|----------------|----------------------|-----------------------|------------------|--|
| 10/657,141            | 09/09/2003     | Masao Murade         | 116802 1897           |                  |  |
| 25944 7               | 590 12/14/2004 |                      | EXAMINER              |                  |  |
| OLIFF & BERRIDGE, PLC |                |                      | BAUMEISTER, BRADLEY W |                  |  |
| P.O. BOX 199          | 28             |                      |                       |                  |  |
| ALEXANDRI.            | A, VA 22320    | ART UNIT             | PAPER NUMBER          |                  |  |
|                       | •              |                      | 2815                  |                  |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary   |  | Application  | Application No. Applicant(s)  |   |             |  |  |
|---|--|--|---|---|-------------|--|--|
|   |  | 10/657,14  | 1   | MURADE, MASAO   |             |  |  |
|   |  | Examiner   |   | Art Unit  | ليه         |  |  |
|   |  |  | Baumeister  | 2815  |             |  |  |
| The N<br>Period for Reply   | MAILING DATE of this communicati<br>Y  | on appears on the  | cover sheet with the c  | orrespondence addr  | ess         |  |  |
| THE MAILIN  - Extensions of ti<br>after SIX (6) Mo  - If the period for  - If NO period for  - Failure to reply<br>Any reply recei  | JED STATUTORY PERIOD FOR G DATE OF THIS COMMUNICATION of 37 ONTHS from the mailing date of this communication reply specified above is less than thirty (30) day reply is specified above, the maximum statutor within the set or extended period for reply will, by the Office later than three months after the erm adjustment. See 37 CFR 1.704(b). | FION.  CFR 1.136(a). In no evention.  In a reply within the statury period will apply and will apply apply and will apply apply and will apply apply apply and will apply a | nt, however, may a reply be tim<br>tory minimum of thirty (30) day:<br>I expire SIX (6) MONTHS from<br>ication to become ABANDONE | nely filed<br>s will be considered timely.<br>the mailing date of this comi<br>D (35 U.S.C. § 133). | munication. |  |  |
| Status  |  |  |   |   |             |  |  |
| 1)⊠ Respo   | nsive to communication(s) filed or   | n <u>09 September 2</u>  | <u>003</u> .  |   |             |  |  |
| •   | This action is <b>FINAL</b> . 2b)⊠ This action is non-final.   |  |   |   |             |  |  |
| •   | ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is  |  |   |   |             |  |  |
| closed  | in accordance with the practice u  | inder <i>Ex parte Qu</i>   | ayle, 1935 C.D. 11, 45  | 53 O.G. 213.  |             |  |  |
| Disposition of (  | Claims   |  |   |   |             |  |  |
| 4a) Of<br>5) ☐ Claim(<br>6) ☐ Claim(<br>7) ☐ Claim(   | (s) 1-19 is/are pending in the applithe above claim(s) is/are w (s) is/are allowed. (s) is/are rejected. (s) is/are objected to. (s) 1-19 are subject to restriction a   | rithdrawn from col   |   |   | ·           |  |  |
| Application Par   |  | . · · ·  |   |   |             |  |  |
|   | ecification is objected to by the Ex   | caminer.   |   |   |             |  |  |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  |  |  |   |   |             |  |  |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   |  |  |   |   |             |  |  |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  |  |  |   |   |             |  |  |
| 11)∐ The oa   | th or declaration is objected to by  | the Examiner. No   | te the attached Office  | Action or form PTC  | )-152.      |  |  |
| Priority under 3  | 35 U.S.C. § 119  |  |   |   |             |  |  |
| <ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of: <ol> <li>Certified copies of the priority documents have been received.</li> <li>Certified copies of the priority documents have been received in Application No.</li> <li>Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> </li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul> |  |  |   |   |             |  |  |
| Attachment(s)   |  |  |   |   |             |  |  |
| 2) Notice of Draf<br>3) Information D   | erences Cited (PTO-892) itsperson's Patent Drawing Review (PTO-sisclosure Statement(s) (PTO-1449 or PTC Mail Date  |  | 4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:   | ate   | 152)        |  |  |

Application/Control Number: 10/657,141 Page 2

Art Unit: 2815

## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-13 and 19, drawn to an electro-optical device, classified in class 257,
 subclass 1+.

II. Claims 14-18, drawn to a method of making the electro-optical device, classified in class 438, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by the materially different process of forming all of the capacitor members and storage capacitor members from different—as opposed to the same—films.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 2815

## **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. William Baumeister whose telephone number is (571) 272-1722. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197/(toll/free).

BRADLEY BAUMEISTER
PRIMARY EXAMINER

B. William Baumeister Primary Examiner Art Unit 2815

December 11, 2004